

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

20-CR-150-EAW

DANIEL RODRIGUEZ,

Defendant.

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**AMENDED PRELIMINARY ORDER OF FORFEITURE**

**WHEREAS**, on September 13, 2023, the defendant, DANIEL RODRIGUEZ, pled guilty to Counts 2 and 5 of the Superseding Indictment (ECF No. 50) charging violations of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute 500 grams or more of a substance containing cocaine) (Count 2) and Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm and ammunition) (Count 5);

**WHEREAS**, based upon the defendant's conviction of Counts 2 and 5, and from his agreement (ECF No. 108) that the below property is subject to forfeiture, the government has established the requisite nexus between the defendant's violations of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute 500 grams or more of a substance containing cocaine) (Count 2) and Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm and ammunition) (Count 5), and the following property subject to forfeiture ("currency, firearm, and ammunition"):

**CURRENCY:**

- a. The sum of \$2,960 in United States currency seized on or about September 11, 2020 by law enforcement from 120 Center Avenue, North Tonawanda, New York; and
- b. The sum of \$1,750 in United States currency seized on or about September 11, 2020 by law enforcement from a Jeep Cherokee bearing registration JRH1094.

**FIREARM/AMMUNITION:**

- a. One (1) Hawk Industries, Model H&R Partner, 12-gauge shotgun, bearing serial number NZ915911;<sup>1</sup> and
- b. Three (3) rounds of 12-gauge shotgun ammunition marked "FEDERAL".

**NOW THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED**, that pursuant to Federal Rule of Criminal Procedure 32.2(b)(2), Title 21, United States Code, Sections 853(a)(1) and (a)(2) (currency), and Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c) (firearm/ammunition), the currency, firearm, and ammunition, and/or any interest therein is hereby condemned and forfeited to the United States of America and shall be disposed of according to law; it is further

**ORDERED, ADJUDGED, AND DECREED**, that this Amended Preliminary Order of Forfeiture ("Amended Order") shall serve as a judgment in favor of the United States

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<sup>1</sup> This Amended Preliminary Order of Forfeiture corrects the serial number of the Hawk Industries, Model H&R Partner, 12-gauge shotgun from NZ61511 to NZ915911.

of America regarding any and all of the defendant's right, title, and interest in the currency, firearm, and ammunition; it is further

**ORDERED, ADJUDGED, AND DECREED**, that the United States of America is authorized to seize and take all steps necessary and appropriate to protect its interest in the currency, firearm, and ammunition, including taking actual possession of the currency, firearm, and ammunition. Any person or entity which has possession of, or jurisdiction over the currency, firearm, and ammunition, is directed to make the currency, firearm, and ammunition available to federal authorities in accordance with this Amended Order; it is further

**ORDERED, ADJUDGED AND DECREED** that pursuant to Title 21, United States Code, Section 853(h), following the seizure of the currency, firearm, and ammunition, the Attorney General, through the United States Attorney's Office and/or any other duly authorized federal agency, shall direct the disposition of the currency, firearm, and ammunition making due provision for the rights of any innocent persons; it is further

**ORDERED, ADJUDGED, AND DECREED**, that pursuant to Federal Rule of Criminal Procedure 32.2(b)(6)(A) and Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of this Amended Order and of its intent to dispose of the currency, firearm, and ammunition in such manner as the Attorney General, through the United States Attorney's Office and/or any other duly authorized federal agency, may direct. The United States may also, to the extent practicable, provide direct written notice to any

person known to have alleged an interest in any portion of the currency, firearm, and ammunition, as a substitute for published notice as to those persons so notified; it is further

**ORDERED, ADJUDGED, AND DECREED**, that pursuant to Title 21, United States Code, Section 853(n)(2), any person, other than the defendant, having or claiming a legal interest in the currency, firearm, and ammunition, must file a petition with the court within thirty (30) days of the final publication of notice, or of receipt of actual notice, whichever is earlier, for a hearing to adjudicate the validity of the petitioner's alleged interest in the currency, firearm, and ammunition; it is further

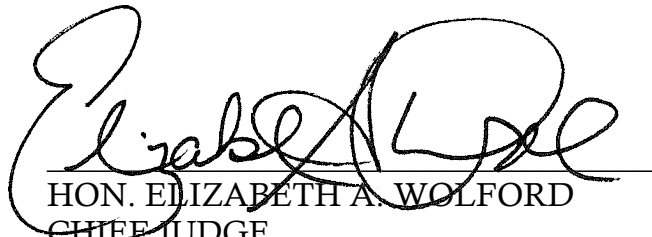
**ORDERED, ADJUDGED, AND DECREED**, that pursuant to Title 21, United States Code, Section 853(n)(3), any petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the currency, firearm, and ammunition, and any additional facts supporting the petitioner's claim and the relief sought; it is further

**ORDERED, ADJUDGED, AND DECREED**, that in the event that a Final Order of Forfeiture is issued concerning the currency, firearm, and ammunition, the Drug Enforcement Administration and/or any other duly authorized federal agency shall dispose of the currency, firearm, and ammunition according to law; and it is further

**ORDERED, ADJUDGED, AND DECREED**, that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Federal Rule of Criminal Procedure 32.2(c)(2), Title 21, United States Code, Sections 853(a)(1) and (a)(2) (currency), and Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c) (firearm/ammunition).

**SO ORDERED.**

Dated: February 21, 2024  
Rochester, New York



HON. ELIZABETH A. WOLFORD  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT